IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Crl.Rev.Pet.No. 1127 of 2007()

CRA.98/2004 of II ADDL. SESSIONS COURT, PALAKKAD
CC.19/2002 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD

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REVN. PETITIONER:

T.J.JOHNSON, S/O.JOSEPH, THANGAPURAIKKAL HOUSE,
THIRUVALATHUR AMSOM, KODUMBU, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS/COMPLAINANT:
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1. VASUDEVAN NAMBOODIRIPPAD, S/O.BRAHMADATTAN NAMBOODIRIPPAD, ELAMKULAM MANA, PARALI, PALAKKAD.

2. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.BREEZE.M.S

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1127 of 2007

Dated this the 14th day of March, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one month and to pay a compensation of Rs.2,25,000/- vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. The evidence adduced in the matter consisted the testimony of PW1 and Exts. P1 to P6. The evidence of PW1 along with Exts. P1 to P5 documents do established the fact of execution of the cheque, dishonour of the same and compliance of the formalities envisaged under the statute. No defence evidence has been adduced to rebut the statutory presumptions.

3. In the circumstances, I find no reasons to deviate from the findings of the court below. All the same, considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court. The

latter portion of the sentence is affirmed. Revision petitioner is granted six months' time from today onwards to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-II, Palakkad on 14.9.2007 to receive the sentence. Non bailable warrant, if any, pending is not to be executed till 14.9.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl